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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,850	11/18/2003	Toshiyuki Tanaka	6639P005	9485

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EXAMINER

CHANG, YEAN HSI

ART UNIT PAPER NUMBER

2835

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/717,850	Applicant(s) TANAKA ET AL.	
	Examiner Yean-Hsi Chang	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-5,9 and 12-24 is/are rejected.
- 7) ☒ Claim(s) 6-8,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/04, 7/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-7, 9, 12-16 and 19-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 9-20 of copending Application No. 10/716,859 ('859). Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim obviously the same invention in different manners with the following differences: a display interconnect and an opening for the interconnect are not claimed in '859, which are obvious feature of a display; and different terminologies, such as: a display support mechanism vs. a coupling member, a second opening (or a slot) vs. a guide, a first body case vs. a first body, a second body case vs. a body body, a cursor control device vs. a pointing device, an integrated keyboard vs. a keyboard, a

portrait orientation vs. TABLET position, and a landscape orientation vs. a FREE-STANDING position.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagamine (US 2003/0203747 A1).

Nagamine teaches an electronic device (10, fig. 3) comprising: a display (11), a display interconnect (inherent feature, not shown; also see [0054]) coupled to the display, a display support mechanism (34) coupled to the display, the display support mechanism adapted to enable a horizontal rotation and a translation of the display (shown in figs. 2), and a body case (20+30) having a first opening (40) configured to physically (shaft 44 being provided to separate the display interconnect from the display support mechanism as shown in fig. 4C), and a second opening (34b-1) configured to

limit the horizontal rotation and the translation of the display conducted by the display support mechanism (claim 1); wherein the display support mechanism to concurrently conduct the horizontal rotation and the translation of the display (shown in figs. 2 and 4B) (claim 2); wherein the display comprises a flat panel display (11, fig. 3) (claim 3); wherein the body case comprises (i) a first body casing (20) having an integrated keyboard (shown in fig. 3, not labeled) and a cursor control device (also shown in fig. 3, not labeled), (ii) a hinge (13) coupled to the first body casing, and (iii) a second body casing (30) rotationally coupled to the hinge (fig. 3) (claim 4); wherein the display, being placed in a first position (shown in fig. 1A) having a portrait orientation, completely covers the integrated keyboard and the hinge (claim 5); wherein the display support mechanism comprises (i) a fastening element (44a) coupled to the display and (ii) a shaft (44) coupled to the fastening element (claim 9); and wherein the first opening and the second opening are pre-formed areas formed within the body case that provide access to an interior of the body case (claim 12).

Allowable Subject Matter

5. Claims 25-26 are allowed.
6. Claims 13-24 would be allowable if the double patenting rejection may be overcome.

7. Claims 6-8 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Nagamine (US 2003/0203747 A1), Jeong (US 2005/0041380 A1), Karidis et al. (US 6,912,121 B2), Hitomi Hideo (JP 2000-228128), and Ono Junichi (JP 2003-0044169), taken alone or in combination, fails to teach or fairly suggest an electronic device comprising at least: a display, a shaft fixedly coupled to the display, the shaft being adapted to horizontally rotate and translate the display, and a body case coupled to the shaft, the body case having a slot with an opening configured to limit horizontal rotation and a distance of translation by the shaft so as to limit horizontal rotation of and a distance of translation by the display as set forth in claims 13, 20 and 25; where the display being placed in a position having a landscape orientation, completely covers a hinge coupling a first body casing and a second body casing of the body case as set forth in claim 6; a first opening is formed in the second body casing of the body case by a plurality of perimeter edges including a first perimeter edge having a convex curvature forming an arc along which a display interconnect being moved in response to a horizontal rotation of the display as set forth in claim 8; a second opening being defined by a plurality of perimeter edges includes a first perimeter edge having a curvature to preclude horizontal rotation of the shaft in either a clockwise direction or a counter-clockwise direction as set forth in claim 10; and wherein the second opening is defined by a plurality of perimeter edges forming a channel

portion and an expanded portion, the channel portion enabling translation of the shaft from a center of the body case toward an end of the body case, the expanded portion enabling horizontal rotation of the shaft as set forth in claim 11. Claims 7, 14-19, 21-24, and 26 are dependent claims from claims 6, 13, 20, and 25, respectively.

Correspondence


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday (except every other Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2835

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
September 6, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER